John Clarke	A. McCaffrey	Proxy	100 Shares
Rollins Hainland	A. McCaffrey	Proxy	350 "
R. J. Chidsey	A. McCaffrey	Proxy	50 "

State City and County of New York ss.

I John Bispell a Commissioner for the State and resident in the City of New York, appointed by the Governor of the State of Maryland under the laws and commissioned under the great seal of that State duly affirmed and qualified to take testimony, acknowledgments &c &c. to be used or recorded in that State, do by this instrument given under my hand and official seal certify that at the request of Joseph M. Cheate Esq. of Counsel for the Cumberland Coal and Iron Company as stated in the foregoing papers, and in conformity with a notice in the suit of said Company dated 29th March 1859 and served the same day, requiring depositions to be taken before me on the 5th day of the current month, at my office in this City (which notice is annexed to certain depositions taken by me in this case) I took the foregoing depositions, and at the request now return the same to the Court mentioned in the caption of said notice Viz the Circuit Court of Allegany County in the State of Maryland in the suit of the Cumberland Coal & Iron Company v. Allen M. Sherman & others.

I further certify that I am the same person mentioned as Commissioner, before whom the depositions mentioned in said notice were to be taken, and that my office is the same place mentioned in said notice as the place of taking the same, and before whom & at which place they were taken. Dated this 8th day of April 1859.

John Bispell
Commissioner for Maryland

State County and City of New York ss.

The deposition of Henry M. Benedict a witness produced, sworn, or affirmed and examined on the ninth day of April 1859 between the hours of one o'clock A. M and six o'clock P. M. in pursuance of yesterdays adjournment on the part of the Complainant, taken in pursuance of the directions mentioned in a notice annexed to former depositions taken by me in this case to be used in Evidence in the cause or matter therein specified. Henry M. Benedict of the State of Connecticut of the age of 38 years & three months, being first duly sworn to testify the truth, the whole truth, and nothing but the truth relating to said cause or matter, and carefully examined, deposes and says, that he does business in the City of New York, in June 1857, was a member of the firm of Canning & Co & I think I was then a stockholder in the Cumberland Coal & Iron Company. On the first day of June 1857 we gave a proxy to, I don't know who the individual was to whom we gave it, He gave it in blank & I think it was to Mr Sherman, it is filled up to Mr Sherman. I signed that proxy & filled it up except the name in blank, that proxy was given for the purpose of voting at that Election I gave it for voting according to the terms of the proxy, which are to vote on proxy at the next Election of Directors of the Cumberland Coal & Iron Company, at the time of giving that proxy I was not aware of there being any other business to be transacted at that meeting than the Election of officers & Directors, I had no other intention at the time of giving the proxy by me the former going in it, at that time I was

not aware of the fact that Hoffman Mines had been conveyed to Sherman & Dean I was not aware of the transportation contract that had been made with them, I had no knowledge of any of the affairs of Sherman & Dean which have since been alleged to be fraudulent, I have not ratified or authorised any person for me or for Canning & Co to ratify the said contract or sale.

H. M. Benedict

Being Cross-Examined by Judge Sherman he says, I am not now in any firm so far as I know stockholder, in said Company at the time of giving said proxy our business was the Stock Exchange & Banking business, my ownership of Stock & their appearance on books was changing from time to time, We are not in the habit of attending or giving particular attention to the annual meetings of Companies in which we so held Stock at the time I gave the proxy spoken of, I did not know what business was to be transacted at said meeting except the Election of Directors, I don't remember seeing the call for that meeting, I had no knowledge of it & paid no attention to it, at the time I delivered said proxy, I put no limit to the authority to be exercised thereunder, except what is expressed in it, I had no other intention than that expressed in the proxy, I think I did not while I was a stockholder express any dissent or disapprobation of the said sale & contract. I know nothing about it

Sworn to & subscribed this 9th day of April 1859 before me Witness my hand & official seal (Seal) John Bispell Commissioner for Maryland } H. M. Benedict

I John Bispell a Commissioner for the State and resident of the City of New York, appointed by the Governor of the State of Maryland, under the laws, and commissioned under the great seal of the State of Maryland duly affirmed and qualified to take testimony, acknowledgments &c &c to be used or recorded in that State, do by this instrument given under my hand and official seal, certify that at the request of Joseph M. Cheate Esq of Counsel for the Cumberland Coal & Iron Company as stated in the foregoing papers, and in conformity with a notice in the suit of said Company dated 29th March 1859 & served the same day requiring depositions to be taken before me on the 5th day of the current April at my office in this City (which notice is annexed to certain depositions taken by me in this case) I took the foregoing deposition, and at the request now return the same to the Court mentioned in said notice Viz The Circuit Court of Allegany County in the State of Maryland in the suit of The Cumberland Coal and Iron Company v. Allen M. Sherman & others.

I further certify that I am the same person mentioned as the Commissioner, before whom the depositions mentioned in said notice were to be taken & before whom they were taken & that my said office is the same place mentioned in said notice as the place of taking the same and at which they were taken.

John Bispell
Commissioner for Maryland

Testimony taken before Andrew Fowler Esq at George A. Deane's Office, Cumberland.